

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ARVAL KRISHNA,

Plaintiff,

Case No. 14-12682

v.

Paul D. Borman  
United States District Judge

HINDUSTAN MOTORS LIMITED,

R. Steven Whalen  
United States Magistrate Judge

Defendant.

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ORDER (1) ADOPTING THE MAGISTRATE JUDGE'S FEBRUARY 25, 2016  
REPORT AND RECOMMENDATION (ECF NO. 13); (2) GRANTING IN PART  
AND DENYING IN PART PLAINTIFF KRISHNA'S MOTION FOR  
SPOILIATION SANCTIONS AND TO COMPEL ATTENDANCE AT DEBTOR  
EXAMINATION (ECF NO. 11); and (3) ORDERING ROBERT LEWIS, A  
DIRECTOR OF HINDUSTAN MOTORS LIMITED,  
TO APPEAR FOR A JUDGMENT DEBTOR'S EXAMINATION UNDER OATH  
OR FACE A FINDING OF CIVIL CONTEMPT

On February 25, 2016, the Magistrate Judge entered a Report and Recommendation (ECF No. 13) to Grant in Part and Deny in Part Plaintiff's Motion for Spoliation Sanctions and to Compel Attendance at Debtor Examination (ECF No. 11). Having reviewed the Report and Recommendation, and there being no timely objections from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L. R. 72.1(d), the Court ADOPTS the Report and Recommendation, GRANTS IN PART AND

DENIES IN PART Plaintiff's Motion for Spoliation Sanctions and to Compel Attendance at Debtor Examination.

The request for spoliation sanctions is DENIED WITHOUT PREJUDICE.  
IT IS SO ORDERED.

The request for Robert Lewis to appear for a judgment debtor's examination is GRANTED. Robert Lewis is ORDERED to appear at the law offices of At Law Group, PLLC, on a date and time of the Plaintiff's choice, to give sworn testimony concerning the income, property, or other means of satisfying this Court's October 7, 2014 Judgment against Hindustan Motors Limited.

IT IS FURTHER ORDERED that, because Robert Lewis refused to comply with this Court's January 26, 2015 Order compelling his attendance at a debtor's examination, a failure to appear as Ordered herein will result in a finding of civil contempt against Robert Lewis.

Pursuant to 28 U.S.C. § 1826, failure to comply with a court order can summarily result in confinement until the witness is willing to give such testimony.  
IT IS SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: March 28, 2016

### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 28, 2016.

s/Deborah Tofil

Case Manager